

REMARKS/ARGUMENTS

Favorable reconsideration and allowance of the present application is respectfully requested. Claims 1-18 and 20-23 are pending in the above application, of which claim 1 is independent. By the above amendment, claim 23 has been added, and claim 19 has been cancelled without prejudice.

The Office Action dated August 10, 2010, has been received and carefully reviewed. In that Office Action, claims 1-17 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite, claims 1-5, 7, 8, 11 and 17-22 were rejected under 35 U.S.C. 102(b) as being anticipated by JP 5-58144, claims 6, 9, 10 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over JP 5-58144 in view of Groemmer, and claims 12-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over JP 5-58144 in view of JP 61-85218. Each of these issues is addressed below, and reconsideration and allowance of all claims is respectfully requested in view of the above amendments and the following remarks.

PROSECUTION OF RELATED APPLICATIONS

Submitted herewith is a copy of the Japanese Office Action which cited some of the references of record, including JP 5-58144. An English language translation of the Office Action is also attached.

Also submitted herewith is a copy of EP 1636056, a European Patent based on the same international application as the present case. While the specification is in German, the document includes an English translation of the granted claims.

REJECTIONS UNDER 35 U.S.C. 112, SECOND PARAGRAPH

The Office Action continues to indicate that the presence of the word "modular" in the claims renders the claims indefinite. It is believed that one of ordinary skill in the art would understand the meaning of this term in the context of the claims and would not attempt to interpret it based on the dictionary definition alone. However, in order to advance prosecution of the subject application, the word "modular" has been removed from the claims. Wherefore, the withdrawal of the rejection of claims 1-22 under 35 U.S.C. 112, is respectfully requested.

REJECTIONS UNDER 35 U.S.C. 102(b)

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by JP 5-58144. Claim 1 as amended recites an assembly arrangement for an air conditioning unit for a motor vehicle that has at least one housing having an interior chamber, at least one first apparatus for the exchange of heat in the interior chamber, at least one second apparatus for the exchange of heat in the interior chamber, at least one inlet into the chamber for a gaseous medium, at least one outlet from the housing for the gaseous medium and at least one flow control device in the housing. The housing has at least one receiving device for at least one further component that is configured to adapt the air conditioning unit to condition a plurality of zones within the motor vehicle and that is configured to fit completely inside the interior chamber.

JP 5-58144 shows an automotive air conditioner that has a multi-part housing including a main body part 1 and three additional body parts 1a, 1b and 1c. It appears that main body part 1 and additional body parts 1a and 1c are substantially the same in

the embodiments of Figures 1, 5 and 6. The particular shape of body part 1b is selected based on the number of zones are to be conditioned by the air conditioner. Different numbers and arrangements of heater cores 3 and air mix doors 6 are inserted into the multi-part housing depending on the number of zones to be conditioned.

JP 5-58144, however, does not show a housing having an interior chamber, first and second apparatuses for heat exchange in the interior chamber and a further component configured to adapt the unit to condition a plurality of zones, where the further component is configured to fit completely inside the interior chamber. It might be possible to interpret element 1b of JP 5-58144 as a component that changes the number of zones of an air conditioning device; however, element 1b does not fit completely inside an interior chamber of a housing in JP 5-58144. Claim 1 as amended is submitted to be allowable over JP 5-58144 for at least this reason.

Limitations somewhat similar to the above amendments to claim 1 were contained in claim 19, which has now been cancelled. Claim 19 was not separately discussed in the Office Action. If the rejection of amended claim 1 based on JP 5-58144 is maintained, it is respectfully requested that the examiner identify the portion of JP 5-58144 that is being interpreted as an "interior chamber" and the element of JP 5-58144 that is being interpreted as a "component configured to adapt the air conditioning unit to condition a plurality of zones within the motor vehicle and being configured to fit completely inside said interior chamber" so that the grounds for any such continuing rejection will be clear from the record.

Claims 2-18 and 20-23 depend from claim 1 and are submitted to be allowable for at least the same reasons as claim 1.

REJECTIONS UNDER 35 U.S.C. 103(a)

Claims 6, 9, 10 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over JP 5-58144 in view of Groemmer. These claims depend from claim 1. Groemmer does not address the shortcomings of JP 5-58144 discussed above in connection with claim 1. Claims 6, 9, 10 and 22 are therefore submitted to be allowable for at least the same reasons as claim 1.

Claims 12-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over JP 5-58144 in view of JP 61-85218. Claims 12-16 depend from claim 1. JP 61-85218 does not address the shortcomings of JP 5-58144 discussed above in connection with claim 1. Claims 12-16 are therefore submitted to be allowable for at least the same reasons as claim 1.

CONCLUSION

Each issue raised in the Office Action dated August 10, 2010, has been addressed, and it is believed that claims 1-18 and 20-23 are in condition for allowance. Wherefore, reconsideration and allowance of these claims is earnestly solicited. If the examiner believes that any additional changes would place the application in better condition for allowance, the examiner is invited to contact the undersigned attorney at the telephone number listed below.

Deposit Account Authorization

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the

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filings of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-3828 and please credit any excess fees to such deposit account.

Respectfully submitted,



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